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September 29, 2017

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Ex Parte Presentation of  
The Performing Arts Wireless Microphone Working Group  
In GN Dockets No. 14-166 and 12-268 and ET Docket No. 14-165

Dear Ms. Dortch:

On September 27, 2017, representatives of The Performing Arts Wireless Microphone Working Group (the “Performing Arts Group”) met with Louis Peraertz, Senior Legal Advisor to Commissioner Clyburn, to discuss The Further Notice of Proposed Rulemaking in the above-cited dockets (the “FNPRM”).<sup>1</sup> The Performing Arts Group representatives were Laurie Baskin, Director of Research, Policy & Collective Action for Theatre Communications Group (“TCG”); Tom Haygood, Director of Production for Shakespeare Theatre Company; Brandon Gryde, Director of Government Affairs for Dance/USA and OPERA America; James Palmarini, Director of Educational Policy of the Educational Theatre Association; Najean Lee, Director of Government Affairs & Education Advocacy of the League of American Orchestras; and the undersigned, *pro bono* counsel to TCG and the Alliance of Resident Theatres / New York (“ART/NY”).

The Performing Arts Group expressed its appreciation for the proposal to expand eligibility for Part 74 Low Power Auxiliary Station (“LPAS”) licenses contained in the FNPRM. The Group’s respective members have a demonstrable need for high-quality audio, both delivered directly to audiences and through hearing assistance systems in compliance with the Americans with Disabilities Act, and reliable intercom, cue, and control devices to prevent accidents and injuries to backstage personnel, actors, and audience members. The current licensing threshold of 50 wireless microphones in regular use is an ineffective proxy for actual need, which should be based on uses that cannot reasonably be replaced with wired devices or other technology. We provided examples that demonstrated that no new threshold based on the number of wireless devices would be practical.

The Performing Arts Group recommended that instead of expanding the list of types of

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<sup>1</sup> *Promoting Spectrum Access for Wireless Microphone Operations*, 32 FCC Rcd. 6077, FCC 17-95 (released July 14, 2017).

organizations that would qualify for Part 74 licenses, the Commission should examine demonstrated need and specific criteria. First among these criteria is competent professional audio engineering expertise to handle frequency coordination, database registration, and compliance with Part 74 rules.

The Performing Arts Group intends to file Comments in this proceeding to elaborate on its recommendations and provide additional suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. H. Pawlik". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

David H. Pawlik  
*Pro Bono Counsel to TCG and ART/NY*

cc: Louis Peraertz  
Najean Lee  
James Palmarini  
Brandon Gryde  
Tom Haygood  
Laurie Baskin